(14) (12)

Nos. 03-1116 & 03-1120

Supreme Court, U.S.
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OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

JENNIFER M. GRANHOLM, GOVERNOR OF MICHIGAN, *et al.*,
Petitioners,

v.

ELEANOR HEALD, *et al.*,
Respondents.

MICHIGAN BEER & WINE WHOLESALERS ASSOCIATION,
Petitioner,

v.

ELEANOR HEALD, *et al.*,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

JOINT APPENDIX

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U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN (DETROIT)
CIVIL DOCKET FOR CASE #: 2:00-CV-71438-BAF

* * * *

Filing Date	#	Docket Text
03/22/2000	1	COMPLAINT with - Receipt # 396367 - Date Fee Received: 3/22/00 (PP) (Entered: 03/24/2000)
04/13/2000	2	APPEARANCE for defendants John Engler, Jennifer M. Granholm and Jacquelyn Stewart of attorney Irene M. Mead (DT) (Entered: 04/14/2000)
04/13/2000	3	ANSWER by defendants John Engler, Jennifer M. Granholm and Jacquelyn Stewart to complaint [1-1] (DT) (Entered: 04/14/2000)
04/13/2000	3	AFFIRMATIVE defenses by John Engler, Jennifer M. Granholm, Jacquelyn Stewart (DT) (Entered: 04/14/2000)
04/13/2000	4	PROOF of mailing by John Engler, Jennifer M. Granholm, Jacquelyn Stewart of attorney appearance, answer to complaint and affirmative defenses (DT) (Entered: 04/14/2000)
05/01/2000	5	MOTION by movant MI Beer Wine Whlse to intervene as defendant with brief, exhibit "A", proof of mailing and notice of hearing (lh) (Entered: 05/03/2000)
05/02/2000	6	SUMMONS returned executed by process server on 3/29/00 - answer due 4/18/00 for Jennifer M. Granholm (lh) (Entered: 05/03/2000)

05/02/2000	7	SUMMONS returned executed by process server on 3/31/00 - answer due 4/20/00 for Jacquelyn Stewart (lh) (Entered: 05/03/2000)
05/02/2000	8	SUMMONS returned executed by process server on 3/29/00 - answer due 4/18/00 for John Engler (lh) (Entered: 05/03/2000)
05/02/2000	9	ORDER by Judge Bernard A. Friedman referring motion to intervene as defendant by MI Beer Wine Whlse [5-1] to Magistrate Judge Marc L. Goldman for hearing and determination [EOD Date 5/3/00] (lh) (Entered: 05/03/2000)
05/03/2000	10	EXPARTE motion by plaintiff to permit admission Pro Hac Vice of Robert D Epstein, Jeffrey L Marchal and James A Tanford with affidavits, notice of entry of ex parte order, of mailing and notice of hearing (lh) (Entered: 05/04/2000)
05/04/2000	11	NOTICE by court setting hearing date on motion to intervene as defendant by MI Beer Wine Whlse [5-1] for 1:30 5/30/00 (lh) (Entered: 05/04/2000)
05/15/2000	12	RESPONSE by defendants John Engler, Jennifer M. Granholm, Jacquelyn Stewart to motion to intervene as defendant by MI Beer Wine Whlse [5-1] with proof of mailing (dh) (Entered: 05/15/2000)
05/16/2000	13	RESPONSE by plaintiffs to motion to intervene as defendant by MI Beer Wine Whlse [5-1] with brief, proof of mailing (dh) (Entered: 05/17/2000)
05/22/2000	14	REPLY BRIEF by MI Beer Wine Whlse to responses to motion to intervene as defendant by MI Beer Wine Whlse [5-1] (DT) (Entered: 05/23/2000)

05/30/2000	15	NOTICE by Judge Friedman's chambers of setting scheduling conference for 9:30 6/22/00 (PP) (Entered: 05/31/2000)
05/30/2000		MOTION hearing held on motion to intervene as defendant by MI Beer Wine Whlse [5-1] - disposition: taken under advisement - Magistrate Judge Marc L. Goldman - tape #: 5/30/00 (gw) (Entered: 05/31/2000)
06/15/2000	16	MOTION by defendants for summary judgment with notice, brief and proof of mailing (ew) Modified on 03/29/2001 (Entered: 06/16/2000)
06/19/2000	17	NOTICE by court of setting hearing on motion for summary judgment by Jacquelyn Stewart, Jennifer M. Granholm, John Engler [16-1] for 2:00 8/23/00 (copies mailed) (lh) (Entered: 06/20/2000)
06/26/2000	18	AMENDED NOTICE from the chambers of Judge Friedman setting hearing on motion for summary judgment by Jacquelyn Stewart, Jennifer M. Granholm, John Engler [16-1] for 2:00 11/1/00 with proof of mailing (dh) (Entered: 06/27/2000)
07/07/2000	19	MOTION by plaintiff for continuance of hearing set for 11/1/00 with proof of mailing (PP) (Entered: 07/10/2000)
07/12/2000	20	REPORT and recommendation by Magistrate Judge Marc L. Goldman that motion to intervene as defendant by MI Beer Wine Whlse [5-1] be granted, with proof of mailing [EOD Date: 7/18/00] (dh) (Entered: 07/18/2000)

07/13/2000	21	ORDER by Judge Bernard A. Friedman granting motion for continuance of hearing set for 11/1/00 by plaintiffs [19-1] [EOD Date 7/18/00] (dh) (Entered: 07/18/2000)
07/17/2000	22	PROOF of mailing by plaintiffs of order granting plaintiffs' motion for continuance (dh) (Entered: 07/19/2000)
08/15/2000	23	PROOF of mailing of defendants' interrogatories, request for admissions, and request for production of documents to each of the thirteen separate (ls) (Entered: 08/16/2000)
08/16/2000	24	PROOF of mailing of defendants John Engler's and Jennifer M. Granholm's response to plaintiffs' interrogatories, response to plaintiffs' request for admissions and response to plaintiffs' request for production (ls) (Entered: 08/18/2000)
08/17/2000	25	MEMORANDUM opinion and order by Judge Bernard A. Friedman accepting and adopting report & recommendation [20-1] [EOD Date: 8/22/00] (ew) (Entered: 08/22/2000)
08/17/2000	26	JUDGMENT by Judge Bernard A. Friedman accepting and adopting report & recommendation [20-1] and, granting motion to intervene as defendant by MI Beer Wine Whlse [5-1] [EOD Date 8/22/00] (ew) (Entered: 08/22/2000)
08/21/2000	27	AGREEMENT regarding scheduling [EOD Date: 8/22/00] (ew) (Entered: 08/22/2000)

08/24/2000	28	PROOF of mailing of defendant Jacquelyn Stewarts response to plaintiffs' interrogatories; response to plaintiffs' request for admissions; and response to plaintiffs' request for production (ew) (Entered: 08/24/2000)
09/07/2000	29	MOTION by plaintiffs for leave to amend complaint civil complaint [1-1] with brief, exhibit (proposed amended complaint) and proof of mailing (lh) Modified on 09/11/2000 (Entered: 09/11/2000)
09/11/2000	30	ORDER by Judge Bernard A. Friedman referring motion for leave to amend complaint civil complaint [1-1] by plaintiffs [29-1] to Magistrate Judge Marc L. Goldman for hearing and determination [EOD Date 9/12/00] (lh) (Entered: 09/12/2000)
09/12/2000	31	NOTICE by court of setting hearing on motion for leave to amend complaint civil complaint [1-1] by plaintiffs [29-1] for 1:30 10/2/00 (lh) (Entered: 09/13/2000)
09/15/2000	32	RESPONSE by defendant John Engler, defendant Jennifer M. Granholm, defendant Jacquelyn Stewart to motion for leave to amend complaint civil complaint [1-1] by plaintiffs [29-1], with exhibits and proof of service (RH) (Entered: 09/18/2000)
09/20/2000	33	RESPONSE by movant MI Beer Wine Whlse to motion for leave to amend complaint civil complaint [1-1] by plaintiffs [29-1], with exhibit and proof of service (RH) (Entered: 09/20/2000)

09/21/2000	34	ANSWER by movant MI Beer Wine Whlse to complaint [1-1], with proof of service (RH) (Entered: 09/22/2000)
09/21/2000	34	AFFIRMATIVE defenses by movant MI Beer Wine Whlse (RH) (Entered: 09/22/2000)
09/28/2000	35	SUPPLEMENTAL brief by defendants in support of motion for summary judgment by Jacquelyn Stewart, Jennifer M. Granholm, John Engler [16-1] (ew) (Entered: 09/29/2000)
09/29/2000	36	MOTION by MI Beer Wine Whlse to dismiss with brief, exhibits and proof of mailing (lh) (Entered: 10/02/2000)
10/02/2000		MOTION hearing held on motion for leave to amend complaint civil complaint [1-1] by plaintiffs [29-1] - disposition: GRANTED - Magistrate Judge Marc L. Goldman - tape #: 10/02/00 (gw) (Entered: 10/02/2000)
10/02/2000	37	MOTION by plaintiffs for summary judgment with brief, designation of evidence, attachments and proof of mailing (lh) (Entered: 10/03/2000)
10/03/2000	38	NOTICE by court setting hearing on motion for summary judgment by plaintiffs [37-1] for 2:00 1/31/01 (copies mailed) (lh) (Entered: 10/04/2000)
10/03/2000	39	NOTICE by court of setting hearing on motion to dismiss by MI Beer Wine Whlse [36-1] for 2:00 1/31/00 (copies mailed) (lh) (Entered: 10/04/2000)

10/04/2000	45	ORDER by Magistrate Judge Marc L. Goldman granting motion for leave to amend complaint civil complaint [1-1] by plaintiffs [29-1], discovery request cutoff for 11/3/00, response to cross motion for summary judgment [37-1] [16-1] is extended until 11/3/00, supplemental motion for summary judgment is extended 12/18/00, response to any supplemental motion for summary judgment 1/5/01 and hearing on cross motions for summary judgment on 1/31/01 @ 2:00 [EOD Date 10/6/00] with proof of mailing (lh) (Entered: 10/06/2000)
10/04/2000	46	AMENDED civil complaint by plaintiff adding Malvadino Vineyards and Domaine Alfred Inc (lh) (Entered: 10/06/2000)
10/05/2000	40	MOTION by plaintiffs' to file overlong brief in opposition to defendant's motion for summary judgment with brief (lh) (Entered: 10/05/2000)
10/05/2000	41	ORDER by Judge Bernard A. Friedman granting motion to file overlong brief in opposition to defendant's motion for summary judgment by plaintiffs [40-1] [EOD Date 10/5/00] (lh) (Entered: 10/05/2000)
10/05/2000	42	RESPONSE and brief in opposition by plaintiffs' to motion for summary judgment by Jacquelyn Stewart, Jennifer M. Granholm, John Engler [16-1] with attachments (lh) Modified on 10/05/2000 (Entered: 10/05/2000)

10/05/2000	43	APPENDIX by plaintiffs to plaintiffs response and brief in opposition [42-1] to motion for summary judgment by Jacquelyn Stewart, Jennifer M. Granholm, John Engler [16-1] (lh) (Entered: 10/05/2000)
10/05/2000	44	PROOF of mailing by plaintiffs of pleadings 40 thru 43 (lh) (Entered: 10/05/2000)
10/10/2000	47	RESPONSE by plaintiffs to supplement by Jacquelyn Stewart, Jennifer M. Granholm, John Engler [35-1] with proof of mailing (ew) (Entered: 10/11/2000)
10/12/2000	48	AMENDED complaint by plaintiffs', with proof of service (RH) (Entered: 10/13/2000)
10/20/2000	49	ANSWER by defendants John Engler, Jennifer M. Granholm, Jacquelyn Stewart to amended complaint by plaintiffs [48-1] with affirmative defenses, proof of mailing (dh) (Entered: 10/23/2000)
10/20/2000	49	AFFIRMATIVE defenses by defendants John Engler, Jennifer M. Granholm, Jacquelyn Stewart (dh) (Entered: 10/23/2000)
10/20/2000	50	ANSWER by movant MI Beer Wine Whlse to amended complaint by plaintiffs [48-1] with affirmative defenses, proof of mailing (dh) (Entered: 10/23/2000)
10/20/2000	50	AFFIRMATIVE defenses by movant MI Beer Wine Whlse (dh) (Entered: 10/23/2000)

10/26/2000	51	RESPONSE by plaintiffs Eleanor Heald, Ray Heald, John Arundel, Karen Brown, Richard Brown, Bonnie McMinn, Gregory Stein, Morlan, William Horwath, Margaret Christina, Robert Christina, Trisha Hopkins, Jim Hopkins to motion to dismiss by MI Beer Wine Whlse [36-1] with brief, proof of mailing (dh) (Entered: 10/27/2000)
10/30/2000	52	PROOF of mailing by defendants' John Engler, Jennifer M. Granholm, Jacquelyn Stewart of interrogatories and request to produce documents to plaintiffs' Malvadino Vineyards, Inc., Domaine Alfred, Inc. (PP) (Entered: 10/31/2000)
11/03/2000	53	MOTION by defendant to strike affidavits with brief, attachments, notice of hearing, proof of mailing (dh) Modified on 11/03/2000 (Entered: 11/03/2000)
11/03/2000	54	RESPONSE by defendants to motion for summary judgment by plaintiffs [37-1] with brief, attachments, proof of mailing (dh) (Entered: 11/03/2000)
11/03/2000	55	REPLY by movant MI Beer Wine Whlse to response to motion to dismiss by MI Beer Wine Whlse [36-1] with proof of mailing (ew) (Entered: 11/06/2000)
11/03/2000	56	RESPONSE by movant MI Beer Wine Whlse to motion for summary judgment by plaintiffs [37-1] with attachments (ew) (Entered: 11/06/2000)
11/03/2000	57	PROOF of mailing of intervening defendant MI Beer and Wine Wholesalers Assoc's interrogatories and requests to produce to plaintiffs (ew) (Entered: 11/06/2000)

11/03/2000	58	PROOF of mailing of defendant Jennifer M. Granholm's continuing response to plaintiffs' request for production and defendants Stewart's and Granholm's continuing responses to plaintiff's interrogatories (ew) (Entered: 11/06/2000)
11/06/2000	59	NOTICE setting hearing on motion to strike affidavits by Jacquelyn Stewart, Jennifer M. Granholm, John Engler [53-1] for 2:00 1/31/01 (ew) (Entered: 11/07/2000)
11/13/2000	60	PROOF of mailing of Intervenor-Defendant Michigan Beer and Wine Wholesalers Association's Concurrence in Defendants' motion to strike affidavits to counsel of record (lh) (Entered: 11/14/2000)
11/14/2000	62	MOTION by movants Cntrl MI Univ, En MI Univ, Ferris St Univ, Lake Superior St, MI St Univ, MI Tech Univ, Saginaw Valley St, Univ MI, Wayne St Univ for leave to file amicus brief, represented by Leonard M Niehoff with brief and proof of mailing (lh) (Entered: 11/20/2000)
11/20/2000	61	REPLY by plaintiff to response to motion for summary judgment by plaintiffs [37-1], with attachments and proof of service (RH) (Entered: 11/20/2000)
11/20/2000	63	RESPONSE by plaintiffs' to motion to strike affidavits by Jacquelyn Stewart, Jennifer M. Granholm, John Engler [53-1] (RH) (Entered: 11/21/2000)
11/20/2000	64	MOTION by plaintiffs' to strike exhibits , with brief (RH) (Entered: 11/21/2000)
11/20/2000	65	PROOF of mailing by plaintiffs' of pleadings 62-64 (RH) (Entered: 11/21/2000)

11/27/2000	66	RESPONSE by defendants to motion for leave to file amicus brief, represented by Leonard M Niehoff by movants [62-1] with proof of mailing (ew) (Entered: 11/29/2000)
11/30/2000	67	RESPONSE by plaintiff to motion for leave to file amicus brief, represented by Leonard M Niehoff by movants [62-1] with proof of mailing (ew) (Entered: 12/01/2000)
11/30/2000	68	PROOF of mailing of stipulation approving MI Interfaith Counsel on Alcohol Problems' request for leave to file brief amicus curiae (ew) (Entered: 12/01/2000)
12/01/2000	69	RESPONSE by defendant John Engler, defendant Jennifer M. Granholm to motion to strike exhibits by plaintiffs [64-1], with proof of service (RH) (Entered: 12/04/2000)
12/01/2000	70	REPLY by defendant John Engler, defendant Jennifer M. Granholm to response to motion to strike affidavits by Jacquelyn Stewart, Jennifer M. Granholm, John Engler [53-1], with attachments and proof of service (RH) (Entered: 12/04/2000)
12/04/2000	71	REPLY by defendant John Engler, defendant Jennifer M. Granholm to response to motion to dismiss by MI Beer Wine Whlse [36-1], with proof of service (RH) (Entered: 12/04/2000)
12/08/2000	72	ORDER by Judge Bernard A. Friedman granting motion for leave to file amicus brief, represented by Leonard M by movants [62-1] [EOD Date 12/11/00] (RH) (Entered: 12/11/2000)

12/15/2000	73	MOTION by movant MI Beer Wine Whlse to extend time to file supplemental motion regarding summary judgment with brief, and proof of mailing. (PP) (Entered: 12/18/2000)
12/18/2000	74	MOTION by defendants' John Engler, Jennifer M. Granholm, Jacquelyn Stewart for summary judgment against plaintiff Domaine Alfred, Inc with brief, attachment A, and proof of mailing. (PP) (Entered: 12/19/2000)
12/20/2000	75	STIPULATION by plaintiff, defendant, approving Michigan Interfaith Counsel on Alcohol problems request for leave to file brief as amicus curiae [EOD Date: 12/21/00] (PP) (Entered: 12/21/2000)
12/20/2000	76	MOTION by movant MI Interfaith Cnsl for leave to file amicus brief in support of motions for summary judgment filed by defendants and motion to dismiss filed by intervening defendant (PP) (Entered: 12/21/2000)
12/20/2000	77	ORDER by Judge Bernard A. Friedman granting motion for leave to file amicus brief in support of motions for summary judgment filed by defendants and motion to dismiss filed by intervening defendant by MI Interfaith Cnsl [76-1] [EOD Date 12/21/00] (PP) (Entered: 12/21/2000)
12/20/2000	78	AMICUS curiae brief by MI Interfaith Cnsl in support of motions for summary judgment filed by defendants and motion to dismiss filed by intervening defendant, with exhibit A. (PP) (Entered: 12/21/2000)

12/21/2000	79	NOTICE by Judge Friedman's chambers of setting hearing on motion for summary judgment against plaintiff Domaine Alfred, Inc by Jacquelyn Stewart, Jennifer M. Granholm, John Engler [74-1] for 2:00 1/31/01 (PP) (Entered: 12/22/2000)
12/22/2000	80	ORDER by Judge Bernard A. Friedman with stipulation, extending time to file supplemental motions/briefs regarding summary judgment, setting deadline for filing motions for 12/27/00 [EOD Date: 12/27/00] (ew) (Entered: 12/27/2000)
12/27/2000	81	SUPPLEMENT by movant MI Beer Wine Whlse motion to dismiss by MI Beer Wine Whlse [36-1] with brief and proof of mailing (ew) Modified on 12/29/2000 (Entered: 12/28/2000)
01/08/2001	82	RESPONSE in opposition by plaintiffs to supplemental motion for summary judgment against plaintiff Domaine Alfred, Inc by John Engler, Jennifer M. Granholm, Jacquelyn Stewart [74-1] with brief (dh) (Entered: 01/09/2001)
01/08/2001	83	MOTION by plaintiffs to strike exhibit D in support of supplemental motion for summary judgment with brief (dh) (Entered: 01/09/2001)
01/08/2001	84	PROOF of mailing by plaintiffs of pleadings 82,83 (dh) (Entered: 01/09/2001)
01/09/2001	85	STIPULATION by all parties of voluntary dismissal regarding Malvadino Vineyards, Inc without prejudice [EOD Date: 1/10/01] (dh) (Entered: 01/10/2001)

01/11/2001	86	SUPPLEMENT by plaintiffs to second motion to strike exhibit D in support of supplemental motion for summary judgment by plaintiffs [83-1] with consent of intervening defendant, attachment, proof of mailing (dh) (Entered: 01/12/2001)
02/02/2001	87	LETTER by counsel for John Engler, Jennifer M. Granholm, Jacquelyn Stewart rescheduling motion arguments on motion for summary judgment against plaintiff Domaine Alfred, Inc by John Engler, Jennifer M. Granholm, Jacquelyn Stewart [74-1] motion to strike affidavits by John Engler, Jennifer M. Granholm, Jacquelyn Stewart [53-1], motion for summary judgment by plaintiffs [37-1] and motion to dismiss by MI Beer Wine Whlse [36-1] for 2:00 3/14/01 (lh) (Entered: 02/06/2001)
03/29/2001	88	MOTION by plaintiff for continuance with proof of mailing (dh) (Entered: 03/30/2001)
06/11/2001	89	NOTICE by plaintiffs of additional legal authority in support of motion for summary judgment by plaintiffs [37-1] with proof of mailing (lh) (Entered: 06/12/2001)
06/13/2001		MOTION hearing held on motion for summary judgment against plaintiff Domaine Alfred, Inc by John Engler, Jennifer M. Granholm, Jacquelyn Stewart [74-1], motion for summary judgment [37-1], motion to dismiss by MI Beer Wine Whlse [36-1] - disposition: taken under advisement - Judge Bernard A. Friedman - Court Reporter: Joan Morgan (cd) (Entered: 06/14/2001)

07/25/2001	90	NOTICE by defendants of additional legal authority with attachments and proof of mailing (LS) (Entered: 07/26/2001)
09/27/2001	92	JUDGMENT entered by Judge Bernard A. Friedman for defendants and against plaintiffs [EOD Date: 9/28/01] (lh) (Entered: 09/28/2001)
09/28/2001	91	OPINION and order by Judge Bernard A. Friedman denying motion for summary judgment by plaintiffs and that plaintiffs' request for injunctive and declaratory relief are denied [37-1], denying defendants' motions to dismiss pr for summary judgment due to lack of standing or for lack of subject matter jurisdiction are denied and that defendants' motions for summary judgment on the merits are granted [74-1] [16-1] and that the remaining motions are denied as moot [88-1] [83-1] [73-1] [64-1] [53-1] [36-1] [EOD Date: 9/28/01] (lh) (Entered: 09/28/2001)
10/15/2001	93	MOTION by plaintiffs' for reconsideration of summary judgment after ruling on evidentiary motions with brief and proof of mailing (lh) Modified on 10/15/2001 (Entered: 10/15/2001)
11/05/2001	94	ORDER by Judge Bernard A. Friedman denying motion for reconsideration of summary judgment after ruling on evidentiary motions by plaintiffs [93-1] with proof of mailing [EOD Date 11/6/01] (dh) (Entered: 11/06/2001)
12/04/2001	95	APPEAL by plaintiff of orders [94-1] and [91-1] to USCA - FEE: PAID - Receipt #: 428817 (do) (Entered: 12/06/2001)

12/06/2001	96	PROOF of mailing of notice of appeal to USCA, counsel and court reporter of record (do) (Entered: 12/06/2001)
12/06/2001	97	CERTIFIED copy of appeal notice by plaintiffs [95-1] and docket transmitted to USCA (do) (Entered: 12/06/2001)
12/17/2001	98	TRANSCRIPT order form by Domaine Alfred Inc, Malvadino Vineyards regarding appeal notice by plaintiffs [95-1] requesting transcript(s) of: no hearings (dh) (Entered: 12/18/2001)
12/28/2001	99	ACKNOWLEDGMENT from USCA of receipt of appeal notice by plaintiffs [95-1] - appeal case # 01-2720 (RH) (Entered: 01/02/2002)
09/04/2003	100	SLIP opinion from USCA reversing the judgment of district court and remanding the case for entry of judgment on favor of plaintiffs - appeal case # 01 2720 (lh) Modified on 09/26/2003 (Entered: 09/05/2003)
09/04/2003	101	NON-CERTIFIED copy of order from USCA reversing the judgment of district court and remanding the case for entry of judgment in favor of plaintiffs - appeal case # 01-2720 (lh) (Entered: 09/05/2003)
09/08/2003	102	JUDGMENT entered by Judge Bernard A. Friedman for plaintiffs and against defendants with proof of service [EOD Date: 9/9/03] (dh) (Entered: 09/09/2003)
09/16/2003	103	NOTICE by movant MI Beer Wine Whlse of for joinder in defendant's motion for relief from judgment and/or recommendation (not on docket) with attachments, and proof of service. (PP) (Entered: 09/17/2003)

09/17/2003	104	MOTION by plaintiff to extend time to file affidavits in support of motion for attorney fees with attachment, and proof of service. (PP) (Entered: 09/18/2003)
09/17/2003	105	MOTION by plaintiffs' for attorney fees with brief, attorney affidavits', and proof of service. (PP) (Entered: 09/18/2003)
09/18/2003	106	MOTION by defendant relief from judgment, for reconsideration of order judgment [102-1] with brief, attachments, and proof of service. (PP) (Entered: 09/22/2003)
09/25/2003	107	ORDER by Judge Bernard A. Friedman granting motion relief from judgment by John Engler, Jennifer M. Granholm, Jacquelyn Stewart [106-1]; granting motion for reconsideration of order judgment [102-1] by John Engler, Jennifer M. Granholm, Jacquelyn Stewart [106-2] and vacating order judgment [102-1] [EOD Date 9/26/03] (RH) (Entered: 09/26/2003)
10/06/2003	108	JOINT RESPONSE by defendants and intervening defendant to motion for attorney fees by Domaine Alfred Inc [105-1] with proof of service (lh) (Entered: 10/08/2003)
10/06/2003	108	REQUEST by defendants and intervening defendants for additional time to response to said motion with proof of service (lh) (Entered: 10/08/2003)
12/03/2003	109	CERTIFIED copy of order from USCA staying the mandate for 90 days to allow time to file a petition for writ of certiorari case [0-0] - appeal case # 01-2720 (RH) (Entered: 12/04/2003)

02/25/2004	110	LETTER from SC re [95] Notice of Appeal filed - petition for writ of certiorari placed on docket [Appeal Case Number 03-1120] (LBeh,) (Entered: 02/27/2004)
02/25/2004	111	LETTER from SC re [95] Notice of Appeal - petition for writ of certiorari placed on docket [Appeal Case Number 03-1116] (LBeh,) (Entered: 02/27/2004)
06/07/2004	112	LETTER from SC re [95] Notice of Appeal - petition for writ of certiorari is granted - limited and consolidated with nos. 03-1120 and 03-1274. [Appeal Case Number 03-1116] (LBeh,) (Entered: 06/10/2004)
06/28/2004	113	ORDER denying without prejudice 104 Motion for additional time to submit affidavits in support of motion for attorney fees and 105 Motion for attorney fees. Signed by Honorable Bernard A Friedman. (DPer,) (Entered: 06/29/2004)

GENERAL DOCKET
US COURT OF APPEALS FOR THE SIXTH CIRCUIT

COURT OF APPEALS DOCKET #: 01-2720 FILED: 12/20/01

NSUIT: 3950 CONSTITUTIONAL - STATE STATUTE

HEALD; ET AL. V. ENGLER; ET AL.

APPEAL FROM: EASTERN DISTRICT OF MICHIGAN AT DETROIT

* * * *

12/20/01	Civil Case Docketed. Notice filed by Appellant Eleanor Heald, Appellant Ray Heald, Appellant John Arundel, Appellant Karen Brown, Appellant Richard Brown, Appellant Bonnie McMinn, Appellant Gregory Stein, Appellant Michelle Morlan, Appellant William Horwath, Appellant Margaret Christina, Appellant Robert Christina, Appellant Trisha Hopkins, Appellant Jim Hopkins, Appellant Domaine Alfred Inc. Transcript needed: y (ert)
1/2/02	TRANSCRIPT ORDER FORM filed by James A. Tanford for Appellants. Transcript not needed. [01-2720] [2591509-1] (ert)
1/2/02	APPEARANCE filed by Attorney James A. Tanford for Appellants Eleanor Heald, et al [01-2720] (ert)
1/2/02	PRE-ARGUMENT STATEMENT filed by James A. Tanford for Appellant Domaine Alfred Inc, Appellant Jim Hopkins, Appellant Trisha Hopkins, Appellant Robert Christina, Appellant Margaret Christina, Appellant William Horwath, Appellant Michelle Morlan, Appellant Gregory Stein, Appellant Bonnie McMinn, Appellant Richard Brown, Appellant Karen Brown, Appellant John Arundel, Appellant Ray Heald, Appellant Eleanor Heald [01-2720] (ert)

1/2/02	APPEARANCE filed by Attorney Irene M. Mead for Appellee Jacquelyn Stewart, Appellee Jennifer M. Granholm, Appellee John Engler [01-2720] (ert)
1/2/02	APPEARANCE filed by Attorney Anthony S. Kogut for Appellee MI Wine & Beer [01-2720] (ert)
1/3/02	BRIEFING LETTER SENT setting briefing schedule: appellant brief due 2/12/02; appellee brief due 3/14/02; appendix 4/4/02; final briefs due 4/25/02; . (ert)
1/4/02	Mediation Office is involved in this appeal. [01-2720] (ert)
2/1/02	Mediation Office is no longer involved in this appeal at this time. (ert)
2/14/02	PROOF BRIEF filed by James A. Tanford for Appellant Domaine Alfred Inc, Appellant Jim Hopkins, Appellant Trisha Hopkins, Appellant Robert Christina, Appellant Margaret Christina, Appellant William Horwath, Appellant Michelle Morlan, Appellant Gregory Stein, Appellant Bonnie McMinn, Appellant Richard Brown, Appellant Karen Brown, Appellant John Arundel, Appellant Ray Heald, Appellant Eleanor Heald. Certificate of service date 2/12/02 Number of Pages: 40. [01-2720] (ert)
2/14/02	Request to require oral argument filed by James A. Tanford for Appellant Domaine Alfred Inc, Appellant Jim Hopkins, Appellant Trisha Hopkins, Appellant Robert Christina, Appellant Margaret Christina, Appellant William Horwath, Appellant Michelle Morlan, Appellant Gregory Stein, Appellant Bonnie McMinn, Appellant Richard Brown, Appellant Karen Brown, Appellant John Arundel, Appellant Ray Heald, Appellant Eleanor Heald [01-2720] (ert)

2/22/02 APPEARANCE filed by Attorney Clint Bolick for Amicus Curiae Juanita Swedenburg, Amicus Curiae Swedenburg Winery, Amicus Curiae David Lucas, Amicus Curiae Lucas Winery [01-2720] (lead) (ert)

2/22/02 APPEARANCE filed by Attorney Wiliam H. Mellor for Amicus Curiae Juanita Swedenburg, Amicus Curiae Swedenburg Winery, Amicus Curiae David Lucas, Amicus Curiae Lucas Winery [01-2720] (ert)

2/22/02 APPEARANCE filed by Attorney Steven M. Simpson for Amicus Curiae Juanita Swedenburg, Amicus Curiae Swedenburg Winery, Amicus Curiae David Lucas, Amicus Curiae Lucas Winery [01-2720] (ert)

2/22/02 BRIEF filed by Steven M. Simpson for Amicus Curiae Juanita Swedenburg, Amicus Curiae Swedenburg Winery, Amicus Curiae David Lucas, Amicus Curiae Lucas Winery, Wiliam H. Mellor for Amicus Curiae Juanita Swedenburg, Amicus Curiae Swedenburg Winery, Amicus Curiae David Lucas, Amicus Curiae Lucas Winery, Clint Bolick for Amicus Curiae Juanita Swedenburg, Amicus Curiae Swedenburg Winery, Amicus Curiae David Lucas, Amicus Curiae Lucas Winery. Copies 7. Certificate of service date 2/21/02. Number of Pages: 17. [01-2720] WITH CONSENT OF PARTIES in support of the appellants (ert)

3/14/02 PROOF BRIEF filed by Irene M. Mead for Appellee Jacquelyn Stewart, Appellee Jennifer M. Granholm, Appellee John Engler. Certificate of service date 3/11/02. Number of Pages: 48. [01-2720] (ert)

3/14/02	Request to require oral argument filed by Irene M. Mead for Appellee Jacquelyn Stewart, Appellee Jennifer M. Granholm, Appellee John Engler [01-2720] (ert)
3/15/02	PROOF BRIEF filed by Anthony S. Kogut for Appellee MI Wine & Beer. Certificate of service date 3/14/02 . Number of Pages: 49. [01-2720] (ert)
3/15/02	Request to require oral argument filed by Anthony S. Kogut for Appellee MI Wine & Beer [01-2720] (ert)
3/22/02	APPEARANCE filed by Attorney Louis R. Cohen for Amicus Curiae Wine & Spirits; et al [01-2720] (ert)
3/22/02	BRIEF filed by Louis R. Cohen for Amicus Curiae Wine & Spirits. Copies 7. Certificate of service date 3/20/02. [01-2720] (ert)
3/29/02	PROOF REPLY BRIEF filed by James A. Tanford for Appellant Domaine Alfred Inc, Appellant Jim Hopkins, Appellant Trisha Hopkins, Appellant Robert Christina, Appellant Margaret Christina, Appellant William Horwath, Appellant Michelle Morlan, Appellant Gregory Stein, Appellant Bonnie McMinn, Appellant Richard Brown, Appellant Karen Brown, Appellant John Arundel, Appellant Ray Heald, Appellant Eleanor Heald Certificate of service date 3/28/02 [01-2720] (ert)
4/5/02	Appellant MOTION filed to file substitute brief. Motion filed by James A. Tanford for Appellant Eleanor Heald, et al. Certificate of service date 4/4/02 [01-2720] (ert)
4/5/02	RULING granting motion to file substitute brief [2591558-1] filed by James A. Tanford [01-2720] (LG/jy/rfg;cm-4/5/02) . (ert)
4/5/02	Corrected appellant proof brief filed by James A. Tanford. Copies: 1. Certificate of Service date 4/4/02 [01-2720] Replaces brief filed 2/14/02 (ert)

4/5/02	Request to require oral argument filed by James A. Tanford for Appellants [01-2720] (ert)
4/8/02	APPENDIX filed by James A. Tanford for Appellants. Copies: 6. Certificate of service date 4/4/02 [01-2720] (ert)
4/9/02	BRIEFING LETTER SENT requesting appendix corrections from James A. Tanford because complaint, etc.., resetting briefing schedule: corrected appx due 4/16/02; finals now due 5/30/02 [01-2720] . (ert)
4/18/02	Corrected appendix filed by James A. Tanford. Copies: 5. Certificate of Service date 4/16/02 [01-2720] (ert)
4/18/02	BRIEFING LETTER SENT resetting briefing schedule: final brief now due 4/30/02 [01-2720]. (ert)
4/26/02	Appellant MOTION filed to file substitute appendix. Motion filed by James A. Tanford for Appellants. Certificate of service date 4/25/02 [01-2720] (ert)
4/26/02	Corrected appendix filed by James A. Tanford. Copies: 5. 2 volumes. Certificate of Service date 4/25/02 [01-2720] (ert)
4/29/02	RULING granting motion to file substitute appendix [2591567-1] filed by James A. Tanford [01-2720] resetting briefing schedule: [01-2720] final briefs now due 5/13/02. (ert)
5/6/02	FINAL BRIEF filed by Irene M. Mead for Appellee Jacquelyn Stewart, Appellee Jennifer M. Granholm, Appellee John Engler. Copies: 7. Certificate of service date 5/2/02. Number of Pages: 48. [01-2720] (ert)
5/6/02	Request to require oral argument filed by Irene M. Mead for Appellee Jacquelyn Stewart, Appellee Jennifer M. Granholm, Appellee John Engler [01-2720] (ert)

5/13/02	FINAL BRIEF filed by James A. Tanford for Appellants. Copies: 7. Certificate of service date 5/9/02 Number of Pages: 40. [01-2720] (ert)
5/13/02	Request to require oral argument filed by James A. Tanford for Appellants. [01-2720] (ert)
5/13/02	FINAL REPLY BRIEF filed by James A. Tanford for Appellants. Eleanor Heald, et al. Copies: 7 Certificate of service date 5/9/02 Number of Pages: 26. [01-2720] (ert)
5/14/02	FINAL BRIEF filed by Anthony S. Kogut for Appellee MI Wine & Beer. Copies: 7. Certificate of service date 5/13/02. Number of Pages: 49. [01-2720] (ert)
5/14/02	Request to require oral argument filed by Anthony S. Kogut for Appellee MI Wine & Beer [01-2720] (ert)
7/22/02	ADDITIONAL CITATION filed by James A. Tanford for Appellant Eleanor Heald, et al Certificate of service date 7/19/02 [01-2720] (ert)
9/3/02	Attorney LETTER filed regarding dates unavailable for oral argument (Oct. 9 thru Nov 1). Letter from James A. Tanford. Dated: 8/29/02 [01-2720] (dtk)
1/8/03	ADDITIONAL CITATION filed by James A. Tanford for the Appellants. Dated: 1/6/03 [01-2720] (dtk)
2/2/03	Attorney LETTER filed by the appellees John Engler, Jennifer Granholm, Jacquellyn Steward, and MI Wine & Beer notifying the court they filed a Petition for Writ of Cer 1/30/04. Letter from Donald S. McGehee. Certificate of service date [01-2720] (dtk)
2/6/03	Attorney LETTER filed regarding dates unavailable for oral argument (March 15-23 and July 21-Aug 2, 2003). Letter from James A. Tanford. Dated: 2/3/03 [01-2720] (dtk)

3/7/03	APPEARANCE filed by Attorney Donald S. McGehee (Lead) for Appellees John Engler, Jennifer M. Granholm, Jacquelyn Stewart, and MI Wine & Beer [01-2720] (dtk)
3/13/03	Oral argument date set for May 7, 2003 in court room 403. Notice of argument sent to counsel. [01-2720] (rld)
4/14/03	ADDITIONAL CITATION filed by Donald S. McGehee for the Appellees. Dated: 4/11/03 [01-2720] (dtk)
4/25/03	ADDITIONAL CITATION filed by James A. Tanford for the appellants. Dated: 4/22/03 [01-2720] (dtk)
5/7/03	CAUSE ARGUED on 5/7/03 by James A. Tanford for Appellant Eleanor Heald, Appellant Ray Heald, Appellant John Arundel, Appellant Karen Brown, Appellant Richard Brown, Appellant Bonnie McMinn, Appellant Gregory Stein, Appellant Michelle Morlan, Appellant William Horwath, Appellant Margaret Christina, Appellant Robert Christina, Appellant Trisha Hopkins, Appellant Jim Hopkins, Appellant Domaine Alfred Inc, Donald S. McGehee for Appellee John Engler, Appellee Jennifer M. Granholm, Appellee Jacquelyn Stewart, Appellee MI Wine & Beer, Anthony S. Kogut for Appellee MI Wine & Beer before Judges Guy, Boggs, Daughtrey. [01-2720] (me)
6/30/03	ADDITIONAL CITATION filed by James A. Tanford for Appellant Eleanor Heald, et al. Certificate of service date 6/27/03 [01-2720] (blc)
7/9/03	ADDITIONAL CITATION filed by James A. Tanford for the Appellants. Dated: 7/8/03 [01-2720] (dtk)

8/28/03	OPINION filed: The judgment of the district court granting summary judgment to the defendants is REVERSED, and the case is REMANDED for the entry of judgment in favor of the plaintiffs. Decision for publication pursuant to local rule 206 [01-2720]. Ralph B. Guy and Danny J. Boggs, Circuit Judges, Martha C. Daughtrey, Authoring Judge. (dtk)
8/28/03	JUDGMENT: REVERSED and REMANDED. (dtk)
9/10/03	PETITION for en banc rehearing filed by Anthony S. Kogut for Appellee MI Wine & Beer. Certificate of service date 9/9/03. [01-2720] (blh)
9/11/03	ADDITIONAL PETITION for en banc rehearing filed by Donald S. McGehee for Appellees John Engler, Jennifer M. Granholm, Jacquelyn Stewart, MI Wine & Beer. Certificate of service date 9/10/03. [01-2720] (blh)
11/4/03	ORDER filed denying petition for en banc rehearing [2813334-1] filed by Donald S. McGehee [01-2720], and petition for en banc rehearing [2812774-1] filed by Anthony S. Kogut [01-2720]. Danny J. Boggs, Ralph B. Guy, Martha C. Daughtrey, Circuit Judges. (blh)
11/10/03	Appellee MOTION filed to stay mandate pending a petition for writ of certiorari. Motion filed by Anthony S. Kogut for Appellee MI Wine & Beer. Certificate service date 11/7/03 . [01-2720] (dtk)
11/10/03	Appellee MOTION filed to stay mandate pending petition for writ of certiorari. Motion filed by Donald S. McGehee for Appellees John Engler, Jennifer M. Granholm, Jacquelyn Stewart, and MI Wine & Beer. Certificate of service date 11/7/03. [01-2720] (dtk)

11/21/03	ORDER filed granting motion to stay mandate for 90 days [2849500-1] [2849521-1] filed by Anthony S. Kogut and Donald S. McGehee [01-2720] Entered by order of the court. (dtk)
2/2/04	Attorney LETTER filed by appellee Michigan Beer and Wine Wholesaler Assn notifying the court that a Petition for Writ of Certiorari was filed 2/2/04. Letter from Anthony S. Kogut. Certificate of service date 2/2/04 [01-2720] (dtk)
2/5/04	Attorney LETTER filed notifying the court that a Petition for Writ of Cert has been filed. Letter from Donald McGehee for the appellees John Engler, MI Wine and Beer, Jennifer Granholm and Jacquelyn Stewart. [01-2720]. Certificate of service date 2/2/04 [01-2720] (dtk)
2/9/04	U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Appellee Jennifer M. Granholm, et al. . Filed in the Supreme Court on 01-30-04, Supreme Ct. case number: 03-1116. [01-2720] (Petition #1) (swh)
2/9/04	U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Amicus Curiae Wine & Spirits. Filed in the Supreme Court on 02-02-04, Supreme Ct. case number: 03-1120. [01-2720] (petition #2) (swh)
5/28/04	U.S. Supreme Court letter filed: limited granting petition for writ of certiorari [2898939-1] filed by Jennifer M. Granholm as to one question, [01-2720] Supreme Court Nos. 03-1116 and 03-1120., . Filed in the Supreme Court on 05-24-04. (swh)

(Order List: 541 U.S.)

MONDAY, MAY 24, 2004

* * * *

CERTIORARI GRANTED

* * * *

03-1116) GRANHOLM, GOV. OF MI, ET AL. V. HEALD, ELEANOR, ET AL.

03-1120) MI BEER & WINE WHOLESALERS V. HEALD, ELEANOR, ET AL.

03-1274) SWEDENBURG, JUANITA, ET AL. V. KELLY, EDWARD D., ET AL.

The petitions for writs of certiorari are granted limited to the following Question: "Does a State's regulatory scheme that permits in-state wineries directly to ship alcohol to consumers but restricts the ability of out-of-state wineries to do so violate the dormant Commerce Clause in light of Sec. 2 of the 21st Amendment?" These cases are consolidated and a total of one hour is allotted for oral argument.

* * * *